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THE WHITE HOUSE

WASHINGTON

January 2, 1976

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WH

MEMORANDUM FOR: JACK MARSH

FROM: PHIL BUCHEN P.

Attached is a copy of an article entitled "The CIA and American Foreign Policy" by Ernest W. Lefever, which appeared in a recent issue of the "Lugano Review."

It occurs to me that this article deserves additional circulation and that we might want to see that copies are distributed to people in the Congress and to appropriate media people. It also occurs to me that Ernest Lefever may be a useful addition to the group we have used as consultants.

cc: Max Friedersdorf  
Director William Colby ✓  
Ambassador George Bush  
Mike Duval

# LUGANO REVIEW

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# THE CIA AND AMERICAN FOREIGN POLICY

*BY ERNEST W. LEFEVER\**

## *INTELLIGENCE, DEMOCRACY, AND U.S. FOREIGN POLICY*

April 18, 1948, was a fateful day for the Italian people and the emerging Atlantic alliance. On that day the first postwar election in Italy was held. The vigorous Communist Party in Italy, with substantial support from the Soviet Union, was making a strong bid for power against the Christian Democrats and allied parties. Earlier that year Czechoslovakia had been seized by Moscow. President Harry Truman was determined that Italy should not fall and that the United States should "make full use of its political, economic, and if necessary, military power" to prevent a "Communist take-over."<sup>1</sup> Consequently, U.S. civilian agencies actively supported the Christian Democrats in the campaign, mainly by providing financial support. The democratic forces won an absolute majority and the Communist coalition received only 30.7 per cent of the vote.

The 1948 election did not end Soviet efforts to gain political control of Italy. In fact, the efforts were intensified. With Soviet support, the Italian Communists infiltrated labor unions, the universities, and other major centers of influence. The U.S. government continued to provide quiet assistance to the Christian Democrats, occasionally using novel means.

In late 1951, for example, an enterprising U.S. embassy official in Rome launched a small operation to expose Soviet duplicity among Italian Communist

\* Dr. Lefever, Senior Fellow in Foreign Policy at The Brookings Institution, Washington, D. C., is author of *Ethics and World Politics: Four Perspectives* (John Hopkins 1972) and *TV and National Defense: An Analysis of CBS News, 1972-1973* (Institute for American Strategy Press 1974). His paper on the CIA is excerpted from a longer study which will appear in book form and was not prepared for Brookings.

<sup>1</sup> *New York Times*, February 12, 1975.

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Party member (the leaflet was titled "25 Years of Soviet Efforts Toward Lasting Peace"), skillfully designed to look like a typical Communist handout. Its sub-title was: "25 Years of Soviet Efforts Toward Lasting Peace," and its red cover carried a picture of Picasso's dove of peace.

The leaflet, which bore no authorship, carried a long list of Moscow's international pledges since 1925, noting that the Soviets had "violated or denounced 10 non-aggression or neutrality pacts in 16 years" and had "violated 14 military alliances in 13 years. When the Soviet Union talks about peace, remember these facts!"<sup>2</sup>

In addition to distributing a million of these leaflets through regular trade union channels, the U. S. official had a bulk shipment sent to a major Communist Party mailing room in northern Italy, where the well-disciplined faithful automatically sent out twenty thousand more copies to Party members before they realized they had aided "the enemies of peace." The imaginative officer responsible for this operation was not the CIA station chief, but the chief of the U. S. Information Service in Rome.

This incident which occurred almost 25 years ago can serve as an introduction to the current debate on the role of the CIA and the value and morality of covert activities abroad. As an official U. S. operation involving secrecy and an element of deceit and designed to influence the internal affairs of a friendly state, the leaflet episode is similar to covert efforts in other countries since then, including U. S. financial support recently provided through the CIA to the Christian Democratic party in Chile.

Some Americans who supported U. S. covert activities in Italy in the 1950s and similar efforts in many countries in the 1960s under the Kennedy Administration, have opposed identical U. S. activities in Chile in 1970 and 1972. What they once praised, they now condemn. What has happened during the past quarter of a century? Have these critics of covert CIA operations been converted to a higher morality that condemns the activities because they are secret, because they are ineffective, or because their objectives are wrong?

In 1948 the vast majority of Americans and their leaders in the government, the university, and the communications media, believed that Soviet foreign policy was expansionist and that it, including its subversive support of local Communist parties, was a serious threat to Western Europe and ultimately to the security and freedom of the United States. In spite of growing Soviet military might and continued subversive efforts in the Third World, this earlier assessment of danger has been eroded by a conviction in some quarters that the Soviet

<sup>2</sup> Edward W. Barrett, *Truth is Our Weapon*, New York, 1953, pp. 152-56.

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threat to the United States and the West has abated and that we are on the threshold of or have already entered an era of peaceful competition.

There are those, in short, who believe that the Cold War has ended. Some of these people hold that the U.S. Government created the Cold War in the first place by sensing a danger from the Soviet Union which did not exist. Other Americans continue to regard the foreign and military policies of Moscow and Peking as a serious threat to the United States and its allies as well as to non-aligned countries in the Third World.

### *Intelligence In A Free Society*

One's perception of external danger is a chief point of reference for judging the adequacy or inadequacy of U.S. foreign policy and the instruments used to support it. Such perceptions affect one's view toward the intelligence gathering operations and covert political activities of the CIA. Consequently, the present essay attempts to examine the particular problems raised in the current debate over the CIA within the larger context of America's foreign policy. Five inter-related issues are discussed:

1. What are the principal threats to the security and independence of the United States and its allies? What are the major external responsibilities of the United States as a nuclear superpower dedicated to democracy at home and peaceful change abroad? What are the chief U.S. interests and objectives in the Third World?
2. As one instrument of U.S. foreign policy, what is the mandate of the CIA? What is the CIA's relation to military, diplomatic, economic, and information instruments? What kind of clandestine and covert activities has the CIA engaged in?
3. Have CIA covert political operations helped or hindered the achievement of legitimate U.S. foreign policy objectives?
4. Can covert activities carried out in another sovereign state, however successful in advancing U.S. objectives, be morally justified? Is there a different moral code for peacetime than for wartime? Is the moral distinction between peace and war valid in today's world? Under what circumstances is it appropriate to provide assistance to a government subjected to external subversive pressures?
5. In our free society, how can we reconcile the contradictory demands of secrecy essential to an effective foreign policy and the need for the public to be informed? By what means can the CIA be held accountable? Should Congressional oversight procedures be altered? What can be done about the problem of irresponsible and unauthorized disclosures of secret information by members of

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Officially, the Executive Branch? What should be done about the media which publish sensitive, classified information? What can be done to give the American people a better understanding of the necessity for foreign intelligence activities and the requirements for secrecy along with a recognition that these activities can be carried out in confidence without violating American democratic values?

### *America's Security and World Responsibilities*

The primary responsibility of the U.S. Government, like that of any other government, is to defend its territory and institutions from enemies domestic and foreign. But unlike any other country, the United States is a nuclear superpower committed to democracy and peaceful change. In this unique situation, we have unique responsibilities commensurate with our power, wealth, and capacity to influence external events.

Most Americans agree on the basic facts about U.S. military power and economic strength, but we disagree about our capacity to influence the course of history and about the nature of our external responsibilities. In recent years our military power has declined in relation to that of the Soviet Union, though we still retain clear economic superiority. More important, there has been an erosion of confidence in the fundamental justice of our foreign policy and a weakening of our resolve to keep our commitments, demonstrated dramatically by our failure in Vietnam. Our disagreements over external objectives and obligations reflect the cleavage that has broken the great American foreign policy consensus that prevailed from 1945 to the mid-1960s.

The burden and ambiguities of the Vietnam War contributed greatly to the shattering of this consensus among intellectuals, policy makers, and other Americans. Since the mid-1960s a growing number of revisionist writers on postwar U.S. foreign policy have asserted that the United States, not the Soviet Union, has been the chief cause of the protracted conflict we call the Cold War, or that Washington, not Moscow or Peking, is the chief external obstacle to constructive development in the Third World.<sup>3</sup> These revisionists often define development as "revolutionary" change in the direction of authoritarian socialism.

The present writer finds these revisionist interpretations of U.S. postwar policy unconvincing. There have been and are serious errors in U.S. foreign policy stemming largely from underestimating the tenacity of our enemies and the per-

<sup>3</sup> William Appleman Williams, D. F. Fleming, Gar Alperovitz, Diane Clemens, and Gabriel Kolko are well-known "Cold War revisionists." Their views and scholarship have been criticized by Robert James Maddox, *The New Left and the Origins of the Cold War*, Princeton, 1973; and John Lewis Gaddis, *The United States and the Origins of the Cold War*, New York, 1972.

sistence of tradition in the Third World and from overestimating the capacity of other societies for democratic government and our capacity to control or influence external events.<sup>4</sup> Our errors, as Reinhold Niebuhr has said, are rooted not so much in arrogance as in innocence, although there has been and still remains a crusading strain in the American character.<sup>5</sup> The series of recent failures in U. S. policy leaves few believers in what Denis Brogan once called "the illusion of American omnipotence."

Most of the states in the World today are economically underdeveloped, ethnically divided, and politically weak. The majority of the regimes in Asia, Africa, and Latin America are authoritarian and socialist-oriented. Their leaders are attracted by Communist rhetoric and envious of American economic productivity. Their prevailing ideology, as Daniel P. Moynihan has pointed out, is a kind of vague state socialism which emphasizes economic distribution rather than production and severely limits political competition and personal freedom.<sup>6</sup> They are politically ambiguous and confused — an attitude often expressed in emotional anti-American outbursts. In rhetoric at least, Third World leaders frequently attack the alleged sins of the United States (e. g. "repression" in Puerto Rico) and overlook the real sins of the Soviet Union (e. g., the 1968 invasion of Czechoslovakia). Though reprehensible, this split-level ethic demonstrates that our critics expect more from us than they do from the totalitarian governments, and perhaps from themselves.

Against this backdrop, the United States, as a democratic super-power committed to humane goals, has two primary foreign policy objectives: to defend our national security and the values and institutions protected by that security and to work for a world order in which all states — large and small — can develop and pursue their legitimate interests without coercive interference from other states. These twin objectives must be pursued in two major arenas: the arena of big-power, strategic confrontation and the arena of the Third World.

The multiple responsibilities Washington has undertaken to prevent nuclear war and to neutralize nuclear blackmail attempts by the Soviet Union may be called the strategic task. And so far, U. S. policies dedicated to these ends have been totally successful — there has been no nuclear war and we have not capitulated to or engaged in nuclear blackmail.

Relating our power to the power of the Soviet Union is difficult, but relating our power to the weakness of Third World states is an even more complex task.

<sup>4</sup> See Charles Burton Marshall, *The Limits of Foreign Policy*, Baltimore, 1968.

<sup>5</sup> See especially, Reinhold Niebuhr, *The Irony of American History*, New York, 1952.

<sup>6</sup> Daniel P. Moynihan, "The United States in Opposition," *Commentary*, March, 1975, pp. 31-44.



Our chief objective in Asia, Africa, and Latin America is to bring about a condition of peace that will permit each country to develop its own human and natural resources in its own way without external coercion. In pursuing this objective, we are confronted by political chaos, inexperience, and a vaguely socialist and largely irrelevant ideology in the Third World, and determined efforts by Moscow and Peking to exploit this situation for their own purposes.

In sum, the first objective of U.S. foreign policy is to maintain our national security and independence. The second objective is to strengthen interstate stability in both the strategic and Third World arenas. By virtue of our power, not by virtue of our virtue, we have a responsibility for keeping the peace commensurate with our capacity to do so. We have no mandate to remake other societies or to meddle in their affairs for the sake of internal reform. Intervention can be justified only if it is undertaken to strengthen or restore stability, a balance of forces that will permit peaceful continuity, adaptation, or change.

### *SOVIET FOREIGN POLICY AND THE KGB*

During and since World War II the foreign policy of the Soviet Union has been expansionist in territorial, political, and ideological terms. Eastern Europe was occupied by the Red Army and incorporated into the Soviet orbit in defiance of the Potsdam agreements. Only Yugoslavia and Albania have succeeded in breaking loose. Efforts by Hungary and Czechoslovakia to assert greater independence were speedily crushed by Moscow. West Berlin has remained free only because of American support.

The Soviet Union has actively sought to weaken and destroy NATO by efforts to subvert or replace the governments of Western Europe. Working through indigenous Communist parties and other local groups, Moscow has exercised considerable influence at different times and places. In 1947, Soviet influence was great in Greece and Turkey. Currently, it is pronounced in Portugal.

The Soviet Union and the People's Republic of China have supported the military efforts of North Korea and North Vietnam to take over the southern portions of their respective countries. South Vietnam, Cambodia, and Laos have become the victims of Communist aggression.

Elsewhere within the Third World, Moscow has supported terrorist activity and other forms of insurgency and subversion designed to weaken and overthrow existing regimes. Cuba fell into the Soviet orbit and Chile under Allende — with massive subversive pressure from Havana and Moscow — almost met the same fate. Moscow has also made strong bids to become the controlling external influ-



ence in industry, the G. S. Khrushchev, and other  
Afro-Asian countries.

Motivated by their messianic dream and historic drive for power, and confident in the ultimate triumph of their totalitarian system, the two principal Communist powers engage in diplomatic, economic, propagandist, and subversive behavior designed to overthrow moderate governments, to destroy mutually beneficial economic ties between Third World states and the West, and to develop client states subservient to Moscow or Peking. These policies often exacerbate internal chaos and compromise or destroy the political and economic instruments of peaceful and constructive development.

### *The Power of the KGB*

One of the chief instruments for achieving Soviet external objectives has been the KGB, the powerful and massive successor to the clandestine apparatus created by Lenin to be the "sword and shield" of the Communist Party. As a vehicle of totalitarian control, the KGB has no peer, past or present. At home, it penetrates every nook and cranny of Soviet life to control the words, actions, tastes, loyalty, and even the thoughts of Soviet citizens. Abroad, the KGB controls and supplements all other Soviet agencies and attempts to use local Communist parties as instruments of its will. Today the KGB may not deal as ruthlessly with Soviet citizens as did its predecessors during the dark days of the Gulag Archipelago under Stalin, but its wide range of subversive and sometimes brutal activities abroad have undergone little or no change.

The long tentacles of the KGB reach out in support of all Soviet strategic and Third World objectives. KGB officers hold key positions in the Foreign Ministry and all other Soviet agencies overseas. The KGB has been well represented at the SALT negotiations.<sup>1</sup> KGB officers accompany all Soviet scientific, cultural, and trade groups abroad. Members of these missions are required to report all important conversations with their foreign counterparts to the KGB control officer in their respective agencies.

While there are superficial similarities between KGB operations abroad and those of Western clandestine agencies, there are many significant differences, all rooted in one fundamental fact – the KGB is the instrument of a totalitarian regime ideologically committed to the neutralization or destruction of selected

<sup>1</sup> Former U. S. SALT negotiator, Paul H. Nitze, estimates that one-third of the Soviet delegation at the first SALT session in Helsinki was involved in espionage work. The executive secretary of the delegation was a senior KGB agent who had been expelled from Finland. See: Paul H. Nitze, "The Strategic Balance Between Hope and Skepticism," *Foreign Policy*, Winter 1974-75, pp. 141-44.

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non-Communist governments and motivated by the conviction that the Communist system is destined to prevail in the world.

The KGB enjoys a power and autonomy not accorded any other Soviet government agency. It is accountable only to the Politburo. Unlike the CIA, the KGB is a major policymaker as well as an instrument of policy. It participates actively in all foreign policy decisions as well as in carrying them out. Unlike the CIA, the KGB is never criticized in the Soviet press, but it is authorized to criticize any other government agency or official. Unlike the CIA, the KGB is not subject to the rule of law, even Soviet law. Hence, it is constrained neither by law nor by fear of public disclosure. And unlike the CIA, the KGB has a massive domestic role.

The KGB, in short, is a creature of the Communist Party and the Leninist ethic, both of which sanction any means, however inhumane, that yield the desired results. Unlike Western intelligence agencies, the KGB is not constrained by the Judaeo-Christian ethic which insists that the means employed by the state, even in war, be limited by law and humane considerations. The Western ethic categorically rules out on moral grounds torture, the deliberate killing of noncombatants in war, and certain other means, even if they are used in a just cause. Western governments often violate their own norms, but this does not invalidate either the norms or the fact that partial observance of the norms results in less cynical and brutal policies and behavior.

In Communist doctrine, *truth* and *justice* are defined pragmatically and cynically by the Party, but according to the Western ethic, truth and justice are transcendent norms by which all parties, governments, and individuals must be judged. It is widely recognized that the KGB is the epitome of Communist cynicism because it "denies every value a civilized society treasures."<sup>2</sup>

#### *KGB Activities Abroad*

According to John Barron, an authority on the KGB, "Officers of the KGB and its military subsidiary, the GRU [Chief Intelligence Directorate of the Soviet General Staff] ordinarily occupy a majority of [Soviet] embassy posts" as much as 80 percent in some Third World countries.<sup>3</sup> In Washington, the FBI estimates that over 50 per cent of the 200 or more Soviet representatives, including trade officials and Tass correspondents, work for the KGB. In addition, the KGB has placed many of its agents on the U. N. headquarters staff in New York and in the Soviet embassy in Mexico City for operations against the United States. For sev-

<sup>2</sup> Editorial, *Washington Post*, April 3, 1975.

<sup>3</sup> John Barron, *KGB: The Secret Work of Secret Soviet Agents*, New York, 1974, p. 17.

eral years. Secretary General U Thant had said. Les-siovsky, a KGB agent, says Mr. Barron. He also says that probably half of the some 200 Soviet citizens employed by the U.N. Secretariat are KGB agents, at least one of whom was assigned to the KGB's Executive Action Department which is responsible for political murders, kidnappings, and sabotage. This department has employed professional gangsters in Germany, Ireland, Mexico and perhaps elsewhere to do its dirty work.<sup>4</sup>

In September 1971, the British Government publicly expelled 105 KGB and GRU officers, but only after Moscow had "contemptuously ignored" London's quiet request to desist from a campaign to "suborn politicians, scientists, businessmen, and civil servants." Between 1970 and July 1973, says Mr. Barron, 20 governments expelled a total of 164 Soviet officials because of their illegal, clandestine activities.

In earlier years, the Soviet Union supported only those terrorist groups which KGB agents controlled or thought they could control. Today the KGB trains and materially supports a larger number of terrorist organizations, including some operating against black and white regimes in Africa, several in the Middle East and Latin America, the Quebec Liberation Front, and terrorists in Northern Ireland.

Many terrorist leaders have been trained in the Soviet Union, but assistance to their groups is frequently assigned to the KGB-controlled or influenced clandestine services in Cuba, Czechoslovakia, East Germany, Poland, or Hungary. At the KGB's behest, the Cubans have trained both Palestinian and Irish terrorists. KGB operatives are also active in encouraging, supporting, and organizing "peace demonstrations," riots, and other disturbances to discredit regimes in many countries whose character or policies Moscow opposes.

One of the lesser known KGB activities is the "disinformation" program designed to discredit individuals, institutions, and governments by disseminating forgeries, literary hoaxes, and false information and by committing murder and other crimes for psychological-political effects. One such effort was the campaign charging that the United States used germ warfare in Korea. Disinformation efforts can be seen as a supplement to the partially factual, the seriously slanted, and outright false propaganda against the United States and other targets that issues almost daily from Tass and Radio Moscow.

If it were not for the KGB and all that it represents, we would be living in a freer and more peaceful world and the external responsibilities of the United States would be less complex and demanding. Wishing for a world without the

<sup>4</sup> *Ibid.*, An entire chapter is devoted to the Executive Action Department of the KGB, pp. 306-31.

KGB recalls a statement attributed to James Madison in *The Federalist, No. 51*, published on February 6, 1788: "If men were angels, no government would be necessary." To paraphrase, if there were not KGB operations abroad, there would be little need for CIA operations. It is almost, but not quite that simple.

### MANDATE AND ACTIVITIES OF THE CIA

Of the four principal U.S. agencies gathering foreign intelligence, the CIA is the best known, probably because of its cloak and dagger mystique. Two operate under the Defense Department — the Defense Intelligence Agency (DIA) which focuses on the military capabilities and intentions of foreign states and the National Security Agency (NSA) which is primarily concerned with breaking and monitoring the secret codes of other governments. The National Reconnaissance Organization (NRO), which engages in satellite photography, is a joint CIA-Defense Department activity. All four agencies are involved in some secret activities, although the DIA emphasizes "open" intelligence gathering in accord with the accepted international practice of the military attaches of all governments who are assigned to embassies abroad. Satellite reconnaissance is also open. Washington and Moscow each know the other is photographing its territory.

A distinction should be made among three words that are used in the intelligence community — secret, clandestine, and covert. *Secret* is the broad inclusive word simply referring to activity conducted without the knowledge of others, such as secret meetings or negotiations. *Clandestine* refers to secret activity which is intended to remain secret indefinitely, such as the names of intelligence agents and other sensitive sources of information. *Covert* political activity is also secret, but it has a public manifestation: the result becomes known. For example, if the CIA provides newsprint for an opposition newspaper in a Latin American country, the paper will be published although the public will not know the source of the funds.

Both clandestine collection and covert political activities imply an element of craft or deception. Covert operations are usually undertaken in an adversary situation in which the United States is attempting to assist one side. Deception is regarded as a desirable asset in a variety of human contests ranging from football to warfare. When a quarterback fakes a pass or a commander sends out false signals about where his troops will strike, each is attempting to deceive his adversary.

Under Western ethical norms, however, deception is not permissible in a situation of trust and confidence. When the director of the CIA testifies before a

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Congressional Committee on Governmental Operations. Since the CIA is accountable to the President and the Congress and through them to the American people, the CIA director is morally and legally obligated to answer questions about CIA activities, though by law he is required to protect "intelligence sources and methods from unauthorized disclosure."

#### *Mandate of the CIA*

The CIA is primarily an agency for gathering and evaluating foreign intelligence. Only a small portion of its activities involve covert operations. It was established by the National Security Act of 1947, partly in response to a growing American perception of threat from the Soviet Union to U.S. interests in Europe and the Middle East. President Truman and the Congress agreed that we needed a peacetime intelligence agency to augment other instruments for safeguarding our security and that of our allies. At that time and later many thoughtful Americans, including Mr. Truman and Secretary of State Dean Acheson, expressed some concern that the new agency be kept accountable to the President and the American people, recognizing that clandestine overseas activities are often more difficult to monitor and evaluate than those of a more open agency operating on American soil. It was unanimously agreed that the CIA should have no domestic police functions.

The 1947 act specifies that the CIA "correlate and evaluate intelligence relating to national security, and provide for the appropriate dissemination of such intelligence within the Government..." The act calls upon the CIA to perform services of "common concern as the National Security Council (NSC) determines can be more efficiently accomplished centrally" and "to perform such other functions and duties related to intelligence affecting the national security" as the NSC "may from time to time direct."

The act says the "Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." The CIA act of 1949 further states that the agency is exempted from any "law which requires the publication or disclosure of the organization, function, names, official titles, salaries, or numbers of personnel employed by the agency..." The 1947 act states that the CIA "shall have no police, subpoena, law enforcement powers or internal security functions."

Operating within this broadly-worded directive, the CIA has three main functions, all clearly related to foreign intelligence gathering and operations, according to its current director, William E. Colby:

1. To produce intelligence judgments, based on information from all sources, for the benefit of policy makers. The product is in the form of publications and bulletins on current development, estimates of future international situations, and in-depth studies on various topics — for example, a study of the origins and growth — over time — of potentially hostile strategic weapons programs.

2. To develop advanced technical equipment to improve the collection and processing of U.S. intelligence.

3. To conduct clandestine operations to collect foreign intelligence, carry out counterintelligence responsibilities abroad, and undertake — when directed — covert foreign political or paramilitary operations.<sup>1</sup>

The most controversial CIA activities have been “covert foreign political or paramilitary operations” which are carried out under the agency’s authority “to perform such other functions and duties” as directed by the NSC. A variety of small and large covert political operations have been undertaken. Of those known to the public, some have been successful, some have not.

### *Gathering Foreign Intelligence*

The principal responsibility of the CIA is to gather and evaluate foreign intelligence. Much information is collected from open sources like radio broadcasts and newspapers of more than a hundred countries. Among the clandestine intelligence gathering operations that go beyond the normal range of classic espionage, and which have an element of deception, three are mentioned here to indicate their variety and utility. Each involves sophisticated and innovative technology.

First, in the mid 1950s the CIA developed the high-altitude U-2 plane. This specialized aircraft took a warehouse full of high-quality photographs of military and industrial facilities in the Soviet Union before one of them flown by Francis Garry Powers was shot down over Russia in 1960 by a Soviet surface-to-air (SAM) missile. The U-2 was also used extensively and successfully to photograph sensitive facilities in the People’s Republic of China.

U-2 flights played a key role in identifying the Soviet surface-to-surface missiles in Cuba in 1962 which precipitated the first nuclear confrontation between Washington and Moscow. With the aid of agent reporting, the U-2 cameras spotted the offensive missiles in Cuba before Soviet SAM sites were fully operational. When operational, the medium range SAMs would have been capable of delivering nuclear warheads to targets covering two-thirds of the United States, all of

<sup>1</sup> From a statement by William E. Colby, Director of Central Intelligence, submitted to the Senate Appropriations Committee, January 15, 1975. *New York Times*, January 16, 1975, p. 30.

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Central America, and South America. The intelligence provided by the U-2 plane was essential in developing the U.S. strategy that successfully forced Moscow to withdraw its missiles from Cuba.

These U-2 operations, widely regarded as brilliant successes, were overtaken by further technology — Soviet SAMs able to reach high-altitude planes and the capacity of the United States and the Soviet Union to place high resolution cameras in orbit around the earth. The U.S. reconnaissance satellite system was developed by the CIA in cooperation with other government agencies and is now operated jointly with the Defense Department. These orbiting cameras have gathered a wealth of valuable information about Soviet and Chinese military capabilities.

These satellites also played a role in the October 1973 Arab-Israel war by photographing Soviet paratroopers and supplies at Soviet airports, some of whom were alert and ready to take off for Egypt. This detailed intelligence was one of the key pieces of evidence, along with a harsh diplomatic note from Moscow, which led to a worldwide U.S. military alert that may have aborted the Soviet adventure.

The third operation involves not the sky but the ocean — the CIA's successful effort to salvage portions of a Soviet submarine which in 1968 exploded and sank to the bottom of the Pacific, 750 miles from Hawaii. Project Jennifer, as it was called, involved the construction of a large and unique salvage vessel, the *Glomar Explorer*, which for cover purposes was described as a ship to mine minerals from the sea floor. The construction of the vessel and the 1974 summer operation which recovered significant portions of a Soviet Golf-class diesel-electric submarine from 16,000 feet beneath the surface of the Pacific is reported to have cost \$350 million. U.S. listening devices planted on the ocean floor heard the explosion which destroyed the Soviet submarine and computers plotted its location. Meanwhile Soviet trawlers were searching for it 500 miles away from the wreck.

Project Jennifer is universally regarded as a great technical achievement, and widely praised as an intelligence coup. A *New York Times* editorial said: "The CIA is only to be commended for this extraordinary effort to carry out its essential mission,"<sup>2</sup> and the *Washington Post* said the CIA "was performing its prime function brilliantly."<sup>3</sup>

The accomplishment would probably have been even more brilliant if the press had refrained from publishing this sensitive information until the salvage operation could be completed in the summer of 1975. The press knew the CIA

<sup>2</sup> *New York Times*, March 20, 1975.

<sup>3</sup> *Washington Post*, March 23, 1975.



planned to recover other portions of the submarine, including the nuclear warheads and the coding equipment. If this now proves impossible, the United States will be denied valuable additional information about Soviet nuclear warhead technology and about Soviet code traffic in 1968, the year the Russians invaded Czechoslovakia.

These technical means for gathering intelligence have their limits. Cameras can provide a great deal of information on an adversary's military capabilities, but they cannot reveal his research and development capabilities or his intentions. To gain some understanding of the motives and strategies of other governments, we must continue to rely on CIA officers and the clandestine service and their agents and on information provided by refugees, defectors, and Americans who live or travel abroad. In this fundamental sense, espionage has changed little over the centuries.

#### *Covert Political Activities*

As distinguished from clandestine information-gathering operations, the CIA has engaged in covert political activities designed to alter what the U.S. Government believes to be critical or dangerous situations, such as the potential victory of the Communists in Italy in 1948 or the imminent subversion of a friendly government. Various means have been used to support governments, political leaders, parties, labor unions, business firms, farm groups, and other organizations or individuals carrying out policies which appear to serve both the interests of the countries concerned and U.S. objectives. This covert support has been given in the form of financial contributions, equipment, advice and training. The volume of such covert operations has greatly declined since the 1950s and 1960s, reflecting in part a change in the official perception of specific threats. All such activities have been authorized by the President or high officials speaking in his name.

Covert political activity is usually calculated to achieve short-range objectives like an election victory. It has sometimes been directed toward a longer-range goal of weakening extremist groups, which are often supported by the KGB and attempt to gain power by violence or other illegal means. The CIA has occasionally supported opposition efforts to overthrow regimes that were collaborating with Moscow or with its allies, such as East Germany or Cuba.

The essence of CIA political activity is to identify and strengthen indigenous organizations, not to manipulate or control them. The CIA does not inject an alien force or ideology into a Third World country, but rather cooperates with local labor, student, farm, business, or political groups which are disposed to support a moderate and effective government that will pursue a non-belligerent foreign policy.

CIA officers overseas and their agents slowly build up positions of power or influence over the years, both within the existing regime and in opposition groups. The KGB has an easier task because it has ready access to the political situation through the local Communist Party. In a case where the regime is in danger of being subverted by Moscow (e.g., Iran under Mossadegh) or is developing a belligerent foreign policy (e.g., Indonesia under Sukarno), internal opposition groups naturally arise. They do not have to be created, but they do frequently ask for U.S. support. If the group espouses moderate policies and seems reasonably well organized, the NSC may authorize the CIA to assist it. In virtually all situations, the CIA responds to opportunities. But if prior contacts had not been built up over time, there would be few opportunities to respond to.

In some turbulent situations where the government in question has been assailed by subversion or even insurrection, or where it is not clear who is in charge, the KGB and the CIA have found themselves engaged in a kind of undercover war, each helping the faction or factions closest to its government's objectives.

Seen in this light, covert operations are a supplement to U.S. diplomacy, economic aid, information, or cultural exchange efforts which seek to modify the economies, public opinion, and foreign policies of other countries through quiet persuasion and various open programs.

The CIA has also subsidized or established American organizations to assist in operations and to serve as a cover. In the 1950s and 1960s, the CIA financed and operated Radio Free Europe, which broadcasts to Eastern Europe, and Radio Liberty, which broadcasts to the Soviet Union. These efforts to influence opinions behind the Iron Curtain were open, but their sponsorship was concealed. In the past, the CIA also helped finance certain activities of the National Student Association, the Asia Foundation, and *Encounter*, a journal published in London, all designed to counter Communist propaganda and KGB efforts to penetrate legitimate international student and intellectual groups. The CIA did not attempt to mould the thinking of those assisted, but rather to provide them with wider opportunities to express their own views. As Gloria Steinem, who accepted such assistance put it, the CIA "wanted to do what we wanted to do — present a healthy, diverse view of the United States," adding that "I never felt I was being dictated to at all."<sup>4</sup> Nevertheless, there was an element of deception in a situation where confidence should have prevailed, and this practice by the CIA was discontinued. Such educational and cultural groups are now openly supported by U.S. Government funds.

Technical support efforts for the CIA, however, fall into a different category,

<sup>4</sup> *New York Times*, November 21, 1967.

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and the purpose of the operation is to be kept secret, at least until the operation is completed. Project Jennifer is a case in point. This would have been impossible to execute without the secret cooperation of various American firms.

### *CAN COVERT ACTIVITIES BE JUSTIFIED?*

All clandestine intelligence gathering activities and covert political operations carried out in another sovereign state are illegal in that state. All such activities involve an element of deception and are largely hidden from the eyes of the people whose government carries them out as well as from those of the country where they take place.

Can illegal, covert activities of the CIA, which serves a democratic government and represents an open society, be morally justified? Are such activities essential to the security of the United States?

Perhaps the second question should be addressed first. We are living in a dangerous world. To protect their interests, all major powers have extensive clandestine intelligence services which sometimes engage in covert political operations. On the purely pragmatic level, the United States would be at a disadvantage if it denied itself an instrument fully available to its allies and adversaries. Faced with the threats of two expansionist and nuclear-armed Communist powers, and many lesser threats around the world, our government would be derelict in its duty if it did not have the best and most modern means available for gathering intelligence. There is little dissent on this. And most Americans would agree that the United States should not unilaterally abstain from covert operations, though some CIA critics take the opposite view.

Moving from pragmatic to moral considerations — and the two should never be wholly separated — can a free society engage in covert activities abroad without violating its fundamental values? These values, of course, include the security of our country and the survival of our free institutions. To serve these ends, for example, we fought in World War II and we believe our participation was justified both by our objectives and the actual outcome.

Foreign intelligence can be thought of as a form of warfare. Like war, intelligence is an extension of diplomacy. Covert operations in peacetime, like all foreign policy instruments, are designed to serve our fundamental national interests, which include efforts to protect the security of our allies. Hence, all activities of our government in peace or war can and should be judged by the same fundamental political and moral standards.

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The doctrine of the "just war" has been an essential part of the Western Christian moral tradition for a thousand years. This doctrine which defines the proper relationship between military force and political responsibility is deeply rooted in Catholic and Protestant ethics. Though it specifically relates to military conflict, the just war theory can be applied generally to the problems of "political authority, political community, and political responsibility."<sup>1</sup> In short, this Western view of statecraft has direct relevance to all facets of foreign policy and provides a moral yardstick for assessing the justice or rightness of particular intelligence operations.

The just war theory does not serve as a guide as to what specific activities our government should undertake. That must be determined by the nature of the threat, the resources available, and other circumstances. But it does advance three criteria which place certain limitations on what is acceptable according to Western political ethics. In contemplating military or other political action, three questions must be addressed: 1) Is the objective of the action just? 2) Are the means both just and appropriate? 3) Does the action have a reasonable chance of success?

Before discussing these questions, it should be noted that all societies and political philosophies have their own "just war" theories. For Mussolini and Hitler, wars of territorial expansion were justified. For the Communists, revolutionary wars and "wars of national liberation" are just. "There are wars," said V. I. Lenin, "which are just and unjust, progressive and reactionary, wars of the leading classes and wars of the backward classes, wars which serve to strengthen class oppression and wars which are aimed at overthrowing it."<sup>2</sup>

1. *Is the objective of the action just?* Different actors in the international drama naturally define justice differently, often to suit their own immediate and self-serving interests. But according to Western norms, embodied in international law and the U.N. Charter, military action solely for the purpose of conquest or subjugation is always wrong. Any aggression against another state is illegal, whether by overt military action or by covert means. Conversely, military action designed to defend the territory of one's state or that of an ally against external attack or aggression is justified. Aggressors usually attempt to justify their action by asserting that it was taken in self-defense. Hitler so described his attack on Poland in 1939. The situation is often confused and complex, but the distinction be-

<sup>1</sup> Paul Ramsey, *The Just War: Force and Political Responsibility*, New York, 1968, p. xi. See also, pp. vii-xvii, and 178-88. See also, Robert W. Tucker, *The Just War: A Study in Contemporary American Doctrine*, Baltimore, 1960.

<sup>2</sup> *Complete Works of Lenin*, Volume 38, p. 337.

between the aggressor and the usually neutral observers.

The just objective requirement can also be expressed by this question: If the military action succeeds, will the post-belligerency situation likely provide a better chance for peace, security, justice, and freedom than the antecedent condition? Which, for example, would have been the better outcome for World War II — an allied victory or an axis victory?

A just war or a just covert operation can never be undertaken for trivial motives, such as the desire to bolster the ego of a ruling group, or inappropriate purposes, such as the reform of other societies or institutions.

2. *Are the means both just and appropriate?* Just ends can be betrayed by unjust and inappropriate means, but the question is not simply a pragmatic one. The force to be used must be proportionate to the problem. Excessive force is always wrong, though it is often difficult for a commander to know how much force is required to achieve a specific objective. Assuming one is engaged in a just cause, e.g., repelling an invader, the use of too little force is also wrong because it may prolong the struggle or even make possible the success of the aggression, thus causing a greater loss of life, a setback for justice and independence, or both.

Certain uses of force are categorically wrong. These include the wanton, purposeless, or nihilistic destruction of life or property. Hence, the U.S. military code prohibits the deliberate killing of civilians, troops who are surrendering, or prisoners of war, and, on the contrary, requires that these groups be protected and cared for. Because of our principles, the U.S. armed forces in Vietnam went to great lengths, expense, and some risk to spare civilians and help resettle refugees.

For the same reason, the American people were shocked by the senseless killing by U.S. soldiers of 22 to 347 unarmed civilians in My Lai in 1968. On the Communist side, in contrast, vengeance killings, such as the cold-blooded murder of at least 2,700 civilians (but perhaps as many as 5,000) in Hue during the 1968 Tet offensive, and the shooting at refugee columns in 1975, are rationalized by a peculiar Leninist logic that transforms its innocent victims into non-persons. The massive flow of refugees from the Communist to the non-Communist sides in Vietnam and Germany provides dramatic evidence that the contrasting ethics of the Communist and Western worlds have very practical, life and death consequences.

3. *Does the contemplated action have a reasonable chance of success?* However noble the end and just the means, military action is not justified if it has little or no prospect of achieving its objective. Assessing the chances of success or failure is a moral as well as a practical imperative. A parable of Jesus makes this point: "Or

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what king will march to battle, he is told to consider whether with ten thousand men he can face an enemy coming to meet him with twenty thousand? If he cannot, then, long before the enemy approaches, he sends envoys, and asks for terms." (Luke 14:31-32.)

The just war theory has special pertinence to wartime or other conflict situations in which coercion is an accepted means of pursuing the state's objectives. Since 1945 we have been living in a condition of Cold War in which Moscow, Peking, and their clients, employ both peacetime and wartime (i.e. military) means to achieve their expansionist objectives.

Confronted by these dangers, it would appear that the United States, its allies, and other endangered governments are justified in employing unusual, and even coercive means, as long as they meet the three just war standards. In the following discussion, each of these requirements is used to evaluate a variety of CIA covert activities which have become publicly known.

#### *Are the Objectives Just?*

Have CIA activities been undertaken to achieve just ends? This raises the larger question: have U.S. foreign policy objectives been just? The United States during and since World War II has sought to defend its security and that of its allies and attempted to develop a structure of interstate stability that would permit all countries to develop peacefully. These are just ends.

But occasionally, Washington has pursued policies designed to reform other societies, to alter their indigenous institutions, motivated by a kind of crusading impulse to export liberal democracy and not directly related to the fundamental purpose of our foreign policy. It is difficult to justify efforts to reform other peoples and governments, whether the reformer be Washington, Moscow, or Peking. External reformers tend to be arrogant and imperialist and to overlook the severely limited capacity of any outside agency to influence and reshape alien cultures.

The crusading impulse to reform should be clearly distinguished from the humanitarian motive that has prompted the U.S. Government to do more for the foreign victims of famine, earthquake, and war than any other government in history. Earthquake relief is not designed to restructure institutions, overthrow regimes, or promote "free elections."

Reform intervention should also be distinguished from intervention designed to deal with threats to or breaches of international peace, e.g., U.S. military involvement in Korea. Such intervention is justified if it meets the just war criteria.

According to these definitions, most U.S. postwar policies can be justified, though some have not met the test. All efforts to impose alien institutions in a

friendly state by threat, bribe or subversion. Agreements of interstate stability, are highly questionable or wrong, whether undertaken overtly by AID, USIA, the Peace Corps, or covertly by the CIA.

Any U.S. activity, covert or overt, designed to strengthen interstate stability can be said to meet the requirement of the just end. Conversely, any activity calculated solely to reform domestic institutions within a friendly state falls short. Hence, the U-2 flights over Russia can be justified because they sought to provide intelligence about the adversary's military might which would enable the United States to take prudent measures to deter a first nuclear strike by Moscow.

U.S. support for the Bay of Pigs invasion cannot be faulted because of its ultimate objective. The Cuban people, like Moscow's clients in Eastern Europe, had no peaceful political alternative to Castro. The CIA-supported landing of Cuban exiles was designed to provide the Cuban people with an alternative to the totalitarian and expansionist regime, with the hope that the people would be able to establish a moderate government that, among other things, would refrain from subversive military action against other Latin American states. Washington clearly had and still has a special treaty and moral obligation to help maintain peace in the Western Hemisphere. The Bay of Pigs effort was a fiasco, not because of its objective, but because it failed to meet the other two just war requirements — appropriate means and a reasonable chance of success.

In Chile, the CIA's financial aid to the Christian Democratic and other moderate parties and to their newspapers during President Allende's Marxist regime cannot be faulted by the short-term or longer-term ends sought. The more immediate objective was to keep political competition alive in a situation where the minority Allende government, which received only 36.4 per cent of the vote, was using a variety of illegal and coercive means to neutralize the legislature, the Supreme Court, the opposition parties, and non-subservient news media. If political opposition could be maintained, it was hoped that the 1976 election would result in a return to power of a democratic coalition which would pursue a responsible and peaceful foreign policy.

Evidence indicates that Allende and his violent revolutionary supporters were attempting to transform Chile into a totalitarian state on the Cuban model which would be increasingly used by Havana and Moscow as a staging ground for subversion against neighboring states. This would endanger the stability of the region. During the Allende period, large quantities of Soviet arms were illegally brought into the country via Cuba, Chilean and foreign terrorist groups were formed, and the Cuban embassy became the center of subversive KGB activity.

The CIA's support of opposition forces failed in its ultimate purpose of preserving the minimum conditions for peaceful and democratic change. Internal



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disruption of Chile by Allende and the illegal and violent revolutionary forces supporting him — including strikes, massive inflation, and a virtual state of civil war — forced the reluctant military to respond to popular pressure to intervene to prevent full-fledged civil war and to restore order and a semblance of justice. The regrettable excesses, including summary executions and abuse of prisoners, attending the take-over were largely the result of the enormity of the social, economic, and political earthquake wrought by Allende and his followers and the inexperience and ineptitude of the armed forces.

### *Are the Means Just?*

Morality is a discipline of ends and means, but it is in the selection and use of means where the most perplexing problems arise. According to the Western ethics, ends do not justify means. Some means are categorically ruled out. To what extent have CIA covert activities violated the requirements of just and appropriate means? What about the morality of secrecy, deception, and coercion?

Clandestine activities always embrace an element of deception and have certain moral pitfalls for those who engage in them. In principle, lying is wrong. But in adversary situations such as football and war, deception is accepted. During World War II the British attempted to deceive the Germans about the strength of their coastal defense by deploying inflated rubber artillery pieces along the English Channel. The USIA officer in Italy who deceived Communist Party workers into distributing a pamphlet critical of the Soviet Union is another case in point.

In all clandestine activities abroad, deception is essential to provide cover for U. S. officers, to protect cooperating agents, and to gain access to the persons and organizations for collecting intelligence or engaging in political operations. Frequently, of course, the identity of CIA officers is made known to officials of the host government, whether allied or neutral, but this practice is hardly appropriate in an adversary environment.

All cover stories involve deception. How long should a cover story be maintained and for whom? The CIA holds that the cover of the *Glomar Explorer* was blown too soon. The U-2 flights over the Soviet Union present an interesting case. They were known to Moscow a few days after they started, but they remained highly secret in the United States until the plane flown by Powers was brought down in 1960. If the successful U-2 operation would have been reported earlier in the American press, the greatly embarrassed and angered Soviet Union would have been forced to protest, with the probable result that we would have been denied this valuable source of strategic intelligence. During the early years of reconnaissance satellites, both powers collaborated in keeping the secret from the general public on both sides.

The use of coercion or violence always presents serious moral dilemmas, primarily because it confronts the actor with the necessity of weighing the immediate and relatively certain human costs of force or bloodshed against future and uncertain benefits. But it is precisely in this murky realm that the just war theory provides useful guidance, if not clearcut answers.

From what is publically known, covert CIA operations in peacetime rarely involve coercion. Even more rarely do they involve recourse to violence. The Bay of Pigs, as a large-scale paramilitary operation, was a very rare exception. In wartime situations like Laos, the CIA provided covert support to military efforts of the Meo tribesmen to protect their territory against North Vietnamese troops. Assuming the cause to be just, this covert support can be justified, though it could be argued that it should have been provided by the U. S. Army.

The question of violence becomes more complicated in non-war situations in which the codes of acceptable military behavior are not automatically applied. Frequently, the United States has had to face situations in Third World countries in which the government began to pursue foreign policies that endangered the independence of allied or friendly states or otherwise threatened regional peace. To some extent, this was the situation in Cuba under Castro, Indonesia under Sukarno, Egypt under Nasser, the Congo under Lumumba, Ghana under Nkrumah, and Chile under Allende. In the near future, countries like Portugal, Peru, Panama, and Ethiopia may present similar threats.

What should the United States do when a moderate and friendly government is about to be subverted or overthrown by hostile internal forces with or without external support? Or when an existing regime, for whatever reason, engages in hostile behavior short of war toward the United States or its allies? The answer depends on several factors, including the size, power, and location of the country and its capacity to disturb the peace. Portugal, Panama, Brazil, Nigeria, Iran, and Indonesia are obviously of greater significance to the United States than Finland, Paraguay, Chad, or Nepal. Moscow, Peking, and their clients show little inhibition against fishing in troubled waters or in troubling calm waters in the first place.

We could wash our hands of internal turmoil and external dangers in the Third World and leave the situation to chance, chaos, and the Communist powers, but every postwar President, supported by the Congress, has affirmed our responsibility to maintain that minimal degree of interstate stability essential to normal diplomatic intercourse and mutually beneficial economic relations. It should be recalled that President Truman intervened in Greece and Korea for these reasons. The CIA has been called upon to support this basic policy. Occasionally it has used covert operations to prevent an extremist faction from seizing power, to moderate the policies of a regime, or in rare cases to change its leaders.

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According to the press, the CIA was involved in the overthrow of Premier Mossadegh in Iran in 1953 and of the Arbenz regime in Guatemala in 1954. In both instances the United States supported indigenous forces opposed to these pro-Soviet leaders. If the cause of installing a moderate government was itself just, the use of illegal means, involving some violence, can also be justified in principle.

The murky situation in Laos in 1962 presented President John Kennedy with a choice among three unpleasant courses. The 5,000 North Vietnamese troops in Laos in violation of the Geneva accords were being used to support Hanoi's attack against South Vietnam. The President could limit his response to a diplomatic protest, he could send regular U.S. troops into this neutral country, or he could use covert means to deal with the problem. He chose the third course and directed the CIA to provide military support to protect certain areas known to and approved by the Lao government, thus avoiding a direct challenge to Hanoi. This effort grew into a large paramilitary operation and came to be known as a "secret war," but compared to other military efforts in Southeast Asia, it was remarkably successful. The areas of government control remained essentially unchanged during the whole period of CIA involvement and only about a dozen Americans lost their lives.

The Laos experience points to the difficult choices confronting the United States in complex situations where its interests are involved, but where for political and humane reasons it does not want to employ or encourage its allies to employ conventional military force. In such cases, the CIA can sometimes provide, as CIA Director Colby has said, a viable alternative to ineffective diplomatic protest or a risky military action.

#### *Is There A Good Chance For Success?*

According to the just war doctrine the cause can be good and the means can be appropriate in principle, but the contemplated action — whether involving coercion or not — cannot be justified unless there is a reasonable chance of success. If the operation is successful, the new situation should provide a better chance for peace, security, and justice than the previous condition.

Moral choice demands calculation — an assessment of multiple causes, multiple means, and multiple consequences. This moral-political calculus should be a continuous process before, during, and after any operation, covert or overt, domestic, or foreign. Ends, means, costs, and consequences should be constantly weighed.

Returning to the Iran case, did the probable benefit of keeping that oil-rich country independent of Soviet control justify the political cost of U.S. support for

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Moscow? If a Soviet-dominated Iran have jeopardized U.S. and allied interests? It would appear plausible to conclude that the ouster of an unstable and pro-Soviet premier was a cause accomplished by acceptable and proportionate means, when compared to the probable cost in conflict and bloodshed that would likely have resulted from a Soviet take-over of Iran.

The Bay of Pigs operation was a failure precisely because this moral-political calculus was not pursued rigorously enough. The objective was worthy, but the means were inadequate. The means were not intrinsically unjust, but they were unjust in the sense that they were incapable of bringing the operation to a successful conclusion. Because of uncertainty about how Moscow would react, Presidents Eisenhower and Kennedy ruled out an open U.S. invasion to overthrow Castro. Instead, under directives from both Presidents, the CIA trained and equipped Cuban exile units to do the job. The force was probably too small and because of last-minute changes it lacked adequate air support. Two days before the landing the number of air strikes was reduced from 30 to 8 sorties. The effort failed because the means were inadequate. If the moral disciplines had been observed, either there would have been no Bay of Pigs landing or the operation would have been modified to succeed.

In contrast, the CIA contributed to the successful overthrow of the pro-Soviet Arbenz regime in Guatemala seven years before. Again this, like war itself, was an illegal operation. A full-fledged Soviet client in Central America could have become a source of instability. Guatemala could have become a staging ground for guerrilla forays against neighboring countries or a launching pad for nuclear missiles aimed at the United States, as the later experience of Cuba demonstrated. The just U.S. intention in Guatemala was supported by appropriate means and it had a successful result. In retrospect, it would appear that the benefits to peace in the area amply justified the methods employed, including the political cost of U.S. intervention.

Indonesia provides examples of both poor U.S. calculation and an unplanned and unexpected opportunity for covert activity. In the late 1950s President Sukarno fell increasingly under the political and military influence of Moscow. On return from a trip to the Soviet Union in February 1957, Sukarno declared parliamentary democracy in Indonesia a failure and assumed near-dictatorial powers under a new system he called "guided democracy." His foreign policy continued to be expansionist. For years he sought to take over West Irian by diplomatic pressure and military force. He was later to inaugurate his military conquest against the eastern provinces of Malaysia.

Many Indonesian political leaders shared Washington's apprehensions about

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Sukarno. In February 1958, an anti-Sukarno Revolutionary Council in oil-rich Sumatra proclaimed a new government for the whole of Indonesia. On March 12, Jakarta announced a paratroop invasion of Sumatra and the rebels formally appealed for American arms. The United States responded with covert military assistance through the CIA, including modest air support for the rebels. U.S. involvement became known because a CIA-recruited American flier was captured by Jakarta. The rebel leaders overestimated their popular support and underestimated the capacity of the Jakarta regime to deal with the situation. The revolt was quickly crushed. U.S. officials, including CIA officers in Indonesia, based American support for the rebels on the same miscalculations and must, therefore, share responsibility for the failure to install a new government which was expected to pursue moderate policies at home and abroad.

By 1965, the Sukarno regime had virtually become a captive of the Indonesian Communist Party which decided that year to consolidate its already strong position by neutralizing Indonesia's pro-West army. Though the plotters killed five of the seven top army generals, they failed to accomplish their objective. In the ensuing confusion the anti-Sukarno and anti-Communist leaders who emerged asked experienced CIA officers and U.S. military advisers to assist them in restoring order and establishing a viable government. They came to CIA officers for help only because the leaders and officers had developed a relationship of trust over a period of time.

Such close relationships, however, can lead to miscalculations if the CIA officers become too emotionally identified with the cause of the local leaders or fail to recognize that there may be significant differences between their goals and U.S. objectives. Miscalculations in the field are usually corrected by checks within the system, including the requirement that all covert operations must be analyzed in Washington and authorized before they are carried out.

Only in the most dangerous situations should Washington become involved in a violent overthrow of an existing regime. There have been such situations and there may be again in which U.S. support for a military coup, or less drastic action, can be justified to prevent a serious threat to peace and security from coming to a head. Portugal today may be such a case. As James Reston pointed out, Moscow is waging "with vengeance" an "undercover war" in Portugal "while the CIA is virtually helpless in its present condition to prevent the subversion of that strategically important country."<sup>3</sup> If the Soviet-supported Communist Party efforts to take over the Armed Forces Movement in Lisbon succeed,

<sup>3</sup> *New York Times*, March 16, 1975.

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Portugal could not remain in the NATO Alliance and the United States could lose its military base in the Azores. At an earlier stage, a little U.S. moral support and perhaps a bit of material aid for the democratic forces in Portugal might have been enough to turn the tide. But now, more vigorous support for democratic elements can be justified.

The United States cannot effectively compete by Marquis of Queensbury rules while our adversaries trample Western values and laugh at our moral hang-ups. Former Secretary of State Henry L. Stimson is quoted as saying: "Gentlemen don't read other gentlemen's mail." This is a high ideal for politics, but it is neither prudent nor just for us to try to live by it in the international arena if our adversary is not a gentleman and if his violations of the rules go far beyond reading our mail. We Americans cannot permit our moral fastidiousness to subvert our political responsibility.

Effective covert activity in Portugal or the Middle East now may pay off well in preventing a great deal of suffering later. A low-grade cold war is far preferable to an all-out hot war. Our capitulation to a series of small thrusts against our interests may lead to the big confrontation nobody wants. The CIA is one important weapon in our larger arsenal designed to prevent nuclear war and nuclear blackmail. Though we should always recognize that our best calculations may come back to haunt us, we must not permit this recognition to rob us of our capacity to act.

### CONCLUSIONS AND RECOMMENDATIONS

The theme of the last volume of Sir Winston Churchill's monumental study, *The Second World War*, carries a warning which is just as valid today as it was in 1953 when it was written: "How the Great Democracies Triumphed, and so Were able to Resume the Follies Which Had so Nearly Cost Them Their Life."<sup>1</sup>

In the uncertain world bequeathed by the tragedy of Vietnam, the United States is being severely tested. Our friends abroad are worried that we may return to the folly of an earlier isolationism and our adversaries fervently hope we do. Our allies, especially in Asia, wonder if they can depend on us to keep our commitments and our enemies are acting as though our determination to do so has already been seriously eroded.

Even Secretary of State Henry Kissinger, the apostle of détente, has found it

<sup>1</sup> Winston S. Churchill, *Triumph and Tragedy*, Volume 6, Boston, 1953, p. ix.

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needed to bring the Vietnam situation to the Soviet Union about its eagerness to "exploit strategic opportunities" and to exacerbate conflict in "peripheral areas," insisting that the United States is determined to resist such pressures.<sup>2</sup> In the same speech, he urged America to end its "self-doubt and self-punishment" and resume its role of leadership in the world. Just because we have failed in Vietnam, he said, does not mean that we should "flee from responsibility as uncritically as we rushed into commitment a decade ago."

### *Vital Need for U.S. Intelligence*

The international drama and our views about our role in it are changing, but the United States is still a nuclear superpower with heavy and unique responsibilities in a dangerous world. We cannot escape with honor the disciplines of maintaining our own national security and helping our allies to maintain theirs. In this double task, intelligence and occasional covert political operations are essential supplements to our military, diplomatic, and economic policies. As a *New York Times* editorial put it: "To deprive a major world power of up-to-date information concerning its potential adversaries would increase rather than diminish the risk of international stability and conflict. The United States cannot afford to walk blindly through a world divided by clashing interests, aspirations, and suspicions."<sup>3</sup>

The most severe critics of the CIA are not really against the agency as much as the policies it serves. They are particularly critical of covert activities because these activities support persons, institutions, and parties they regard as enemies of the progressive and revolutionary forces they hope will prevail. The radical critics are using the CIA as a foil to attack U.S. policy in the Third World. Would it not be more honest if they criticized the policies directly and openly, rather than trying to discredit them by attempting to destroy or cripple one of the instruments for carrying them out?

### *The Lesser of Two Evils*

Returning to the question of morality, we must recognize that all war is evil, but that in certain situations a particular war can be just — it can be the lesser of two evils. It is morally just for a state to fight an invader rather than submit to him, if the state has a good chance of prevailing. The classical requirement of the "just war" theory can and should be applied to foreign intelligence and covert operations in peacetime too, because they, like diplomacy itself, are extensions of

<sup>2</sup> *Washington Post*, May 13, 1975.

<sup>3</sup> *New York Times*, April 2, 1975.



war by other means. There is no clear dividing line between war and peace, and all foreign policy programs of a democratic state should meet the three criteria of the just war — the objectives must be just, the means must be just and appropriate, and there should be a good chance of success. So measured, it is reasonable to conclude that by and large the CIA has met these criteria.

Our analysis also suggests that the CIA has served U.S. national security and foreign policy interests without violating the constitutional rights of American citizens or damaging our democratic institutions. Again, there have been a few Watergate-related exceptions, but available evidence indicates that the outcry against "massive domestic surveillance" has turned out to be a tempest in a teapot.

If our foreign policy objectives have been wrongly defined, the CIA and other agencies can perhaps be faulted for supporting them, but that is their duty as instruments of Presidential policy backed by the Congress. Under our political system the President is responsible for foreign policy and he should be held accountable. If, however, the CIA has been unresponsive to the Presidential will or insubordinate, it should be faulted. Public evidence suggests that this has not been the case.

It should be emphasized that the validity of U.S. foreign policies or supporting programs must be judged by the requirements of our national interest, the severe limits imposed by external circumstances, available resources, and the criteria of the just war. Policies cannot be justified or condemned by the instruments used to pursue them, but only by the fundamental intentions of the government and the consequences which flow from them. Instruments — whether the CIA, USIA, or AID — can advance policy objectives when rightly employed and can subvert policy goals by inefficiency, stupidity, or corruption. The occasional manifestation of one or more of these vices does not, however, invalidate the instrument.

#### *Congress and Political Control*

U.S. agencies are accountable to the President and the Congress and through them to the American people. Observers see the CIA accountability problem in different ways. Those who believe that the CIA has somehow got out of control recommend tighter and more comprehensive Congressional oversight procedures. The present inquiry rejects this conclusion and holds the view that the present oversight arrangements are adequate.

Whether the oversight procedures remain the same, or are entrusted to a new joint committee or committees, each Representative and Senator involved has a solemn obligation to examine seriously the aims, objectives, and problems, as well as the budget of the CIA. If the arrangement is adequately safeguarded

against unauthorized disclosures, each member has a right to expect candor from the CIA director, consistent with his legal obligation to protect agents, sources, and methods. Mr. Colby has promised as much: "There are no secrets from these oversight committees" and we "are in continuing contact with the staffs."<sup>4</sup> He added: "I have more than a duty to respond to these committees; I must undertake to volunteer to them all matters which are of possible interest to the Congress." CIA officers have also frequently reported to other Congressional committees, both in public and executive session.

It should be recognized that there is a wide spectrum of political, legal, and administrative controls that have effectively kept the CIA faithful to its assigned duties. Consider the elaborate system of checks and balances. First, the CIA director is appointed by the President, who is directly accountable to the American people. If the President misuses the CIA, this will inevitably become known and the Congress can take corrective action. In an extreme situation, the President can be retired at the next election or, as we have seen, before.

Within the Executive Branch, the CIA is accountable to a series of NSC committees, including the Forty Committee on which sit ranking representatives of the State Department, Defense Department, and the Joint Chiefs of Staff. CIA activities are also reviewed by the President's Foreign Intelligence Advisory Board. The State Department must approve all covert political operations.

Further, the four Congressional oversight committees have a continuing role to play through advice and consent, though there is no way Congress can or should attempt to oversee or run day-by-day operations of the CIA, or any other agency for that matter. The Congress approves or disapproves of the President's choice for director. And the Congress may, as it has in 1975, launch a thorough investigation of the intelligence community.

The CIA is also kept responsive to the security needs and moral values of the American people because its top leadership and its ranks represent both a broad cross section of American life and opinion and a rich variety of skills. The internal administrative controls are reasonably effective in keeping a firm rein on the sprinkling of knaves and fools who seem to find their way into every organization. In short, the remarkably resilient American political system and the good sense of the American people provide the ultimate guarantee that our government and its agencies will remain responsible and responsive. In this system the Congress and the media have special obligations.

The primary problem faced by Congress is not a CIA that has got out of control, but rather that an unchecked attack against the CIA will damage the Presi-

<sup>4</sup> *New York Times*, January 16, 1975.

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dent's approval of the intelligence activities of America and her allies. We are confronted by an unsavory mixture of malicious charges, unfounded attacks, and honest concern and a climate of confusion sponsored by elements of the media. President Ford has properly warned that "a sensationalized public debate over legitimate intelligence activities" would be "a disservice to this nation and a threat to our intelligence system," adding: "Any investigation must be conducted with maximum discretion and dispatch to avoid crippling a vital national institution."<sup>5</sup>

To meet the legitimate need for Congress to be informed of CIA activities and to prevent unauthorized disclosures of sensitive information, I offer five suggestions for consideration.

1. Congress should amend the 1947 act creating the CIA to make it clear that the jurisdiction of the agency is confined solely to the collection and evaluation of *foreign* intelligence and associated activities. The intelligence gathering function and covert political operations should remain within the CIA.

2. New legislation should be enacted to deter unauthorized disclosures of sensitive and classified information by present or former government employees or by members of Congress. Our First Amendment would make it difficult for us to pass a law similar to the British Official Secrets Act which provides criminal penalties for any person (official, member of Parliament, or ordinary citizen) who transmits "any official document issued for his use alone" to an unauthorized person. Ironically, as Mr. Colby points out, there are effective U.S. "criminal penalties ... for the unauthorized disclosure of an income tax return, patent information, or crop statistics."<sup>6</sup> But not for sensitive national security documents or their contents! The law proposed here would provide for criminal prosecution against any ex-CIA officers who violate their secrecy pledge by transmitting classified data to the press or other unauthorized parties. It would also apply to all other government employees who have made secrecy pledges. Effectively administered, such a law would tend to dry up leaks to the press at the source. In the absence of measures along this line, there will be increasing pressure to enact something like the British Official Secrets Act which could subject both the offending official and the press to criminal sanctions.

3. The present Congressional oversight procedure for reviewing the CIA and other elements in the intelligence community should be continued or replaced by a similar arrangement involving approximately 12 members, six from the House

<sup>5</sup> From the President's State of the World address, *New York Times*, April 11, 1975. See also: Charles J. V. Murphy, "Uncloaking the CIA," *Fortune*, June 1975. This article contends that the "investigative hysteria in Washington" endangers U.S. security.

<sup>6</sup> *New York Times*, January 16, 1975.

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and six from the Senate. The effective committee on Intelligence, including two members each from the appropriations, foreign affairs, and armed services committees in each chamber. This would eliminate the need for four separate hearings under the present plan and allow for a more thorough examination of CIA activity. Each member of this joint committee should have the approval of the chairman of each of the six parent committees and the leaders of both houses to insure maximum reliability and discretion.

Each staff member of the oversight committee or committees should have a security clearance "commensurate with the sensitivity of the classified information" which he needs to handle, to quote Senate Resolution 21 which created the Select Committee on Intelligence on January 27, 1975. Each staff member should be required to sign a pledge that he will not transmit classified information to any unauthorized person and that he will not "accept any honorarium, royalty or other payment," again, to quote Resolution 21, for any information gained in connection with his committee work.

Further, appropriate Congressional committees should undertake a study to determine if it would be desirable for members of committees dealing with sensitive national security information to undergo a security clearance and to sign a pledge, such as the one now required by the staff.

4. The 1974 Ryan amendment to the Foreign Assistance Act (Part III, Section 662) should be repealed to minimize the chances of security leaks and Congressional meddling in day-to-day CIA operations. This non-germane appendage to the AID bill appears to require the President to report all covert political operations to six Congressional committees with a total of about 150 members. Since this requirement would greatly increase the chances of leaks, the effect of the amendment is to paralyze CIA political activity. As two journalists put it: the amendment forces the President "to risk virtually uncontrollable security breaches by hostile members of Congress."<sup>7</sup> If the intent of the amendment is to give Congress the opportunity to review covert activities, that intent is already adequately cared for in the present or here proposed oversight arrangements.

5. The new amendments to the Freedom of Information Act passed in 1974 should be repealed. The amendments require that any agency hand over the requested data within ten working days or give an explanation of why it cannot, and provide for elaborate appeal and judicial procedures to protect the requester. Whatever their intent, the new amendments place a potentially heavy burden on the CIA and give critics a ready instrument to harass the agency. The

<sup>7</sup> Rowland Evans and Robert Novak, "Congressional Straightjacket for the CIA," *Washington Post*, January 22, 1975.

process of harassment has already begun. Even more serious, the amendments turn over to the courts the authority to declassify national security documents.

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### *Responsibilities of the Media*

Turning from Capitol Hill to the Fourth Estate, it is pertinent to emphasize the power of the mass media, particularly television, in a society where the government does not own or control a single newspaper or broadcasting station. Abraham Lincoln underscored the influence of those who mold popular opinion: "With public sentiment, nothing can fail; without it nothing can succeed. Consequently, he who molds public sentiment goes deeper than he who enacts statutes or pronounces decisions."<sup>8</sup>

The press plays an essential watchdog function in our political system. The people must be ever alert to the abuses of power by the government and the abuse of information by the press. By deciding what stories should have page-one attention and how to slant them, major newspapers, wire services, and networks have a great influence in setting the national agenda, determining the parameters of debate, and limiting policy options.

Major sectors of the media have performed less than responsibly in reporting and commenting on the current CIA debate. They have sensationalized and given credence to unsupported charges against the agency. The *New York Times* has been a major offender by publishing as hard news what Hanson W. Baldwin has called "exaggerated, inaccurate or irresponsible" stories.<sup>9</sup> The *Times* and other media have acted as though they were above the law by arrogating to themselves the decision of whether the disclosure of certain classified information would or would not harm the national interest. This responsibility rests with the democratically elected representatives of the people, not with any self-appointed elite.

Hardcore critics of the CIA in Congress and the media are united in their insistence on substituting their private judgment on highly complex matters for the whole political process rooted in the rule of law. A classic example is the *Glo-Mar Explorer* story which Mr. Baldwin described as one of "the most damaging and irresponsible leaks" in U.S. intelligence history when "the media, in the name of freedom damaged the defense of freedom."<sup>10</sup> Walter Cronkite of CBS News on the other hand said "I don't think the press should have held the story", in spite of the Government's request to do so.<sup>11</sup>

<sup>8</sup> Lincoln's debate in Ottawa, Illinois, August 21, 1858.

<sup>9</sup> *New York Times*, May 8, 1975.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Washington Star*, April 20, 1975.

published top secret documents taken from the Defense Department, but has refused to give Congress or the U.S. government the names of CIA employees who violated their contract by giving classified information to Seymour Hersh. The *Times* justified its refusal to assist the government by saying that it received the information on a confidential basis.<sup>12</sup> This dual ethic recalls a morally refreshing statement of British Foreign Secretary James Callaghan: "Let us be honest. All of us at some time seem to apply double standards. None of us should be proud of it, but let none of us be ashamed to admit it."<sup>13</sup> The *Times*, of course, does not speak with one voice. C. L. Sulzberger has warned that efforts "to cripple our intelligence service" will let "the Soviet KGB move into the vacuum."<sup>14</sup> Former *Times* reporter, Harrison E. Salisbury says the "CIA not only cons the public and the rest of the government — it cons itself."<sup>15</sup>

A major part of the problem is advocacy journalism in the guise of presenting straight news — a malady that afflicts network radio and TV as well as the printed press. Unfortunately, there is little the government or the public can do about it, except to plead for the media to be more fair and accurate and to support those sectors of the media that perform more responsibly. In the case of broadcast journalism, we can urge the Federal Communications Commission to enforce the requirements of the Fairness Doctrine.<sup>16</sup>

There is an even deeper problem — the tendency of influential voices in the media to give more attention to the alleged abuses of American power than to the real dangers confronting the United States. They seem more intent on attacking the military establishment, the civil police, and the intelligence community than on exposing the dangers these instruments of security are designed to protect us against. This disquieting bias in the press, regardless of motivation, gives aid and comfort to our adversaries at home and abroad by providing the American public a distorted picture of the dangers we face and the measures essential to cope with them.

The minimum we should expect of the media is what Mr. Colby requested at the annual conference of the Associated Press: "I do not ask that 'bad secrets' be suppressed... But I do make a plea that 'good secrets' be respected, in the interests not of intelligence, but of our nation."<sup>17</sup> As President Ford said, "a sensational-

<sup>12</sup> *Washington Post*, January 9, 1975.

<sup>13</sup> *Wall Street Journal*, April 9, 1975.

<sup>14</sup> C. L. Sulzberger, "The Superpower Cop-out," *New York Times*, April 6, 1975.

<sup>15</sup> Harrison E. Salisbury, "The Gentlemen Killers of the CIA," *Penthouse*, May 1975, p. 53.

<sup>16</sup> See Ernest W. Lefever, *TV and National Defense: An Analysis of CBS News, 1972-1973*, Boston, Virginia, 1974, especially pp. 1-20 and 149-67.

<sup>17</sup> *New York Times*, April 8, 1975.

ized public debate" on the CIA would "tie our hands while our potential enemies operate with secrecy, skill, and vast resources."<sup>18</sup>

The present debate about the CIA is only one aspect of a larger foreign policy crisis brought on by the burdens of American power and increasing uncertainty about how to exercise our power and influence in the face of new dangers and opportunities. If we lose confidence in our Western values and permit the institutions designed to defend us to be eroded, whether through self-hate or moral fastidiousness, we can be certain that the determined enemies of freedom will take full advantage of our self-inflicted wounds and moral paralysis.

<sup>18</sup> *New York Times*, April 11, 1975.



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